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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,870	09/30/2003	William R. Conchi	BO1 - 0163US	7995
60483	7590	06/26/2006	EXAMINER	
<b>LEE &amp; HAYES, PLLC</b> 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201				PHAN, THAI Q
		ART UNIT		PAPER NUMBER
		2128		

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/676,870	CONCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai Phan	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This Office Action is in response to patent application S/N: 10/676,870, filed on 09/30/2003. Claims 1-30 are pending in the Action.

### ***Drawings***

The drawings replacement filed on 02/23/2004 has been received.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer et al, US patent no. 5,634,424, in view of Pischke et al, US patent application publication no. 2005/0055180.

As per claim 1, Singer discloses a method and system for designing and simulating a passenger seat and seat placement in a compartment with feature limitation very similar to the claimed invention. According to Singer the simulation method includes steps

Receiving design data related to seat placement and position for seat supports (col. 5, lines 23-25, col. 6, lines 50-67),

Defining or extracting seat dimension for placement in the compartment (col. 3, lines 49-65, for example),

Generating a model of the seat affixed to the compartment floor based on the seat position, seat dimensions (col. 4, lines 56-67, for example), and

Simulating loads on the fastener affix in accordance with driving conditions such as acceleration/deacceleration, driving directions, etc (col. 3, lines 49-65, col. 5, lines 1-10, col. 5, line 62 to col. 6, line 20). Singer does not expressly disclose “document for defining seat identities” as claimed. Such feature is however well known in the art. In fact, Pischke teaches a method and system for designing and simulating seat placement wherein the simulation requires seat identities in a design document as in [0034]-[0041] to simulate placement interference.

This would motivate practitioner in the art at the time of the invention was made to combine the teaching in Pischke into the Singer’s seat placement and design simulation to simulate the design interference and other curve trajectory and crash test for any specified seat as in col. 3, lines 7-13 and 49-65.

As per claims 2-10, Pischke teaches a plurality of seat design specifications on spreadsheets, XML documents, graphic representation, etc for the seat design specification ([0040]-[0047]). Such design specification data spreadsheet would be used in the seat placement simulation as disclosed in Singer.

As per claim 11, Singer discloses a method and system controlled by a simulation program for simulating seat placement in a compartment with feature

limitation very similar to the claimed invention. According to Singer the simulation program includes means:

Receiving design data related to seat placement and position (col. 3, lines 1-7, col. 6, lines 50-67, for example),

Defining or extracting seat dimension for placement in the compartment (col. 3, lines 49-65, for example),

Generating a model of the seat affixed to the compartment floor based on the seat position, seat dimensions (col. 4, lines 56-67, for example), and

Simulating loads on the fastener affix in accordance with driving conditions such as acceleration/deacceleration, etc (col. 3, lines 49-65, col. 5, lines 1-10, col. 5, line 62 to col. 6, line 20). Singer does not expressly disclose “document for defining seat identities” as claimed. Such feature is however well known in the art. In fact, Pischke teaches a method and system for designing and simulating seat placement wherein the simulation requires seat identities in a design document as in [0034]-[0041] to simulate placement interference.

This would motivate practitioner in the art at the time of the invention was made to combine the teaching in Pischke into the Singer's seat placement and design simulation to simulate the design interference and other curve trajectory and crash test for any specified seat as in col. 3, lines 7-13 and 49-65.

As per claims 12-20, Pischke teaches a plurality of seat design specifications on spreadsheets, XML documents, graphical representation, etc for used in the design simulation ([0040]-[0047]). Such specified design data spreadsheet would be used for seat placement simulation as disclosed in Singer.

Similarly, claims 21-30 are directed to a system for designing and simulating a passenger seat and placement simulation, which requires steps and means with similar feature limitations as set forth. Claims 21-30 are thus rejected in like manner.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 6,007,338, issued to DiNunzio et al, on Dec. 1999

2. US patent no. 6,113,500, issued to Francis et al, on Sept. 2000

3. US patent application publication no. 2001/0005074, issued to Sakai et al, on June 2001

4. US patent application publication no. 2004/0144288, issued to Chiang, Johnson, on July 2004

5. US patent application publication no. 2004/0232283, issued to Ferry et al, on Nov. 2004

6. US patent application publication no. 2005/0131607, issued to Breed, David, on June 2005.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thai Phan whose telephone number is 571-272-3783.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 20, 2006



Thai Phan  
Patent Examiner